

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MEDNANSKY, MARTINE
MEDNANSKY, individually,

Defendant.

CASE NO. 10cv1307-LAB (BGS)

**ORDER DENYING SUCCESSIVE
MOTION FOR
RECONSIDERATION**

On April 20, 2012, the Court issued an order denying the Mednanskys' motion for reconsideration of the Court's previous orders, finding the motion to be baseless.

On May 4, the Court accepted by discrepancy order a successive motion for reconsideration even though the motion did not comply with Civil Local Rule 7.1(i)(1). The new motion questions the Court's April 20 order. This new motion in large part concerns itself with formalities that the Court summarily resolved in the Mednanskys' favor, such as whether the United States' counsel needed to be served, or whether the earlier motion should have been filed as a noticed motion or whether it could be accepted for filing as an *ex parte* application. Reconsidering those issues would not affect the outcome.

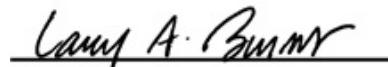
The Mednanskys also argue that the United States was required to brief the issues before the Court could properly rule on it. This is incorrect for two reasons. First, courts have

1 the inherent power to rule summarily deny baseless or frivolous motions. See, e.g., *Mallard*
 2 v. U.S. Dist. Ct. for S. Dist. of Iowa, 490 U.S. 296, 307–08 (1989) (even in the absence of
 3 a statutory provision, courts may *sua sponte* deny frivolous or malicious requests for relief).
 4 See also, e.g., *United States v. Stuler*, 396 Fed. Appx 798, 801 (3d Cir. 2010) (holding
 5 district court acted appropriately in denying motion as frivolous); *United States v. Molen*,
 6 2011 WL 3847204, 2011 WL 3847204, slip op. at *1 (E.D.Cal., Aug. 30, 2011) (cautioning
 7 parties that baseless objections to court’s orders would be summarily denied). Second, the
 8 motion attacked the Court’s jurisdiction, and the Court may properly examine its own
 9 jurisdiction regardless of any motion or briefing from the parties. See *FW/PBS, Inc. v. City*
 10 of Dallas, 493 U.S. 215, 230–31 (1990) (although neither party had raised jurisdictional
 11 issue, Court was required to examine it).

12 The Mednanskys’ successive motion for reconsideration raises a series of other
 13 arguments. Even if any of these arguments were meritorious or had some reasonable basis,
 14 they could have been raised in the first motion. See *Kona Enterprises, Inc. v. Estate of*
 15 *Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (although Fed. R. Civ. P. 59(e) permits a court to
 16 reconsider and amend a previous order, such a motion “may not be used to raise arguments
 17 or present evidence for the first time when they could reasonably have been raised earlier
 18 in the litigation”). Absent unusual circumstances such as newly-discovered evidence,
 19 manifest error, or a change in controlling law, motions for reconsideration are disfavored,
 20 *Nunes v. Ashcroft*, 375 F.3d 805, 807 (9th Cir. 2004), and successive motions even more so.
 21 This successive motion for reconsideration is therefore **DENIED**. No further applications or
 22 motions seeking reconsideration of these issues are to be submitted for filing. If they are
 23 submitted, they will be summarily rejected and none will be entertained.

24
IT IS SO ORDERED.

25 DATED: May 10, 2012

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HONORABLE LARRY ALAN BURNS
 28 United States District Judge